IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. C.V. RAMULU

WRIT PETITION NO : 5934 of 2005

Between:

Sameera Solvent Oils Private Limited, having its registered office at K.P.Road, Maredubaka, Mandapeta Mandal, E.G.district, rep. by its Managing Director, Palacharla Srinivas, S/o. Pattabhiramanna , aged 40 years, R/o Mandapeta, East Godavari District

..... PETITIONER

AND

1 Govt of A.P., Industries and Commerce (C&EP), Secretariat, Hyderabad

rep. by its Prl. Secretary to Govt., and Commissioner for Industrial Promotion, Secretariat Hyderabad,
2 The Commissioner of Industries, Chirag -Ali-Lane, Hyderabad.
3 District Industries Centre, Kakinada, East Godavari District.
4 Eastern Power Distribution Company of Andhra Pradesh Ltd. Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ or direction declaring the Memo No. 20/1/2003/918 dt. 3.2.2005 Issued by the 2nd respondent to issue the eligibility certificate and further direct the 3rd respondent to issue the eligibility certificate and further direct the 4th respondent to collect concessional power tariff as envisaged in para 7.6.2 of G.O.Ms.No.55 dt. 5.3.2004.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR INDUSTRIES &

COMMERCE

The Court at the admission stage made the following :

O R D E R

According to the petitioner, it is a Food Processing Industry and is entitled for certain concessions as to electricity charges under G.O.Ms.No. 55, dated 05.03.2004. In this regard, within six months from the date of commencement of production of the unit, the petitioner is supposed to make an application before the 3rd respondent for the purpose of seeking incentives as enumerated in the above said G.O. The petitioner has filed such an application on 04.06.2004 seeking the incentives of charging concessional rate of electricity supply to its industry. The same is still pending. While so, the 2nd respondent issued a memo No. 20/1/2003/918, dated 03.02.2005 which reads as under:-

> "The attention of the General Managers, District Industries Centre, in the state are invited to the references cited and they are requested not to issue any Eligibility Certificates to the eligible Food Processing Industries for availing Power Tariff Concession and Marketing Cess under their jurisdiction until further orders from the Commissioner of Industries.
>
> These orders are come into force with immediate effect and the General Managers are requested to acknowledge the same."

Learned counsel for the petitioner contends that so long as the G.O. is in force, the respondents cannot deny extending of the benefits of concession as contemplated

in the G.O. The 2nd respondent absolutely have no power to issue such a direction asking all the General Managers, District Industries Centre in the State to not to issue any eligibility certificate to the eligible Food Processing Industries for availing Power Tariff Concession and Marketing Cess etc.

Be that as it may. Without expressing any opinion on merits, the 3rd respondent is directed to dispose of the application filed by the petitioner on 4.06.2004 after getting specific instructions from the 2nd respondent, if necessary in this regard. The application filed by the petitioner on 04.06.2004 shall be disposed of within a period of three weeks from the date of receipt of this order.

With the above directions, this writ petition is disposed of. No order as to costs.

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C.V. RAMULU, J

19th April, 2005

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To

1. The Principal Secretary to Govt. and Commissioner for Industrial Promotion, Govt. of A.P. Industries and Commerce (C&EP) Secretariat, Hyderabad,

2. The Commissioner of Industries, Chirag-ali-lane, Hyderabad

3. The District Industries Centre, Kakinada, East Godavari Dist.

4. The Eastern Power Distribution Company of A.P. Ltd., Visakhapatnam

5. The Govt. Pleader for Industries & Commerce, High Court buildings, Hyderabad (O.U.T.)

6. 2 C.D. copies.